IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.10051 OF 2004
ALONGWITH
WRIT PETITION NO.10171 OF 2004
ALONGWITH
WRIT PETITION NO.10246 OF 2004

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.S.V.Govilkar i/b M/s.Mulla & Mulla & C.B.C. for the petitioners in W.P.Nos.10051/04 & W.P.No.10171/04.

Mr.A.M.Saraogi for the petitioners in W.P.No.10246/04.

Mr.D.S.Parik with Mr.Shyan Diwan, Ms.T.P.Shetty, Mr.Darshan Mehta i/b M/s.Dhruv Liladhar & Co. for the respondents in all petitions.

CORAM: D.B.BHOSALE, J.

DATED: 21ST DECEMBER, 2004.

P.C.:

. Heard learned counsel for the parties.

2. The learned counsel for the parties state that the reasons need not be recorded for disposing of all the three writ petitions and the petitioners would be satisfied if the learned Judge is directed to decide all the issues

framed in all the three suits on merits. Mr.Parikh, learned senior counsel for the respondents submits that he has no objection for making such observations, however, it may be kept open for the parties to make appropriate application with a prayer to treat an issue of maintainability of the suit as preliminary issue and if such application is filed it may be left open to the court to pass orders in such application in accordance with law. Mr.Saraogi, learned counsel for the petitioners in W.P.No.10246/04 submits that in so far as the contents of paragraphs 12 and 13 of writ petition No.10246/2004 are concerned, the petitioners be given liberty to approach the appropriate forum making such grievance. After having heard the learned counsel for the parties and perused the impugned order and other material placed before me I am satisfied that the following order would meet the ends of justice:

(a) All the three writ petitions are disposed of as not pressed, consequently, the impugned orders stand confirmed.

(b) The learned Judge will decide all the issues framed in all the three suits on merits in accordance with law.

(c) If an application, as stated by Mr.Parikh, learned senior counsel for the petitioners, is made, the learned Judge may deal with it in accordance with law.

(d) In so far as submission of Mr.Saraogi, learned counsel for the petitioner in W.P.No.10246/04 is concerned, I do not wish to enter into the controversy raised in paragraphs 12 and 13 of the said writ petition. Hence I am not passing an order, as prayed for, in the said writ petition.

. The writ petitions are, accordingly, disposed of.

(D.B.Bhosale, J.)